

JOINTLY SUBMITTED

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY B. GUINN, individually and as)
Trustee of THE DEL MAR TRUST, et al.,)

Plaintiffs,

vs.

FEDERAL DEPOSIT INSURANCE)
CORPORATION, AS RECEIVER FOR)
COMMUNITY BANK OF NEVADA;)
DOE INDIVIDUALS I-XX; ROE)
CORPORATIONS I-XX,

Defendant/Counterclaimant.

FEDERAL DEPOSIT INSURANCE)
CORPORATION, AS RECEIVER FOR)
COMMUNITY BANK OF NEVADA.,)

Plaintiff,

vs.

CORONADO NEVADA, LLC; DOE)
INDIVIDUALS I-XX; ROE)
CORPORATIONS I-XX,

Defendants.

Case No: 2:09-cv-01809-PMP-GWF

**STIPULATION AND PROPOSED
ORDER TO STAY PROCEEDINGS**

(SECOND REQUEST)

Pursuant to LR 6-2 and LR 7-1, the parties stipulate to extend the 180
day stay entered by this Court on December 24, 2009 (#14) on the following basis:

1 1. 12 U.S.C. § 1821(d) establishes an administrative process for
2 claims against the FDIC in its capacity as Receiver of a failed financial institution.

3 2. Plaintiffs in this action have submitted their administrative
4 claims as required by statute.

5 3. 12 U.S.C. § 1821(d)(5)(A)(i) gives the FDIC 180 days to render
6 a decision on plaintiffs' claims, and, under 12 U.S.C. § 1821(d)(13)(D), the Court
7 may, and the parties submit, should, stay the case during the pendency of that
8 administrative claims process. *See, e.g. Marquis v. FDIC*, 965 F.2d 1148, 1155 (1st
9 Cir. 1992) ("The court may. . . in its discretion – and ordinarily should – stay
10 proceedings . . . so as to permit exhaustion of the mandatory administrative
11 claims review process.").

12 4. The parties previously stipulated to stay this case for 180 days
13 or until the FDIC as Receiver rendered a decision on plaintiffs' claims, whichever
14 came first (#13).

15 5. On the parties' stipulation, the Court stayed this case for up to
16 180 days, commencing on December 24, 2009, to allow the claims process to
17 proceed (#14).

18 6. Plaintiffs have now agreed to extend the claims process for an
19 additional 180 days as permitted by 12 U.S.C. § 1821(d)(5)(A)(ii).
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7. Based on this, the parties stipulate to stay extend the current stay until November 11, 2010 or until the FDIC as Receiver renders a decision on plaintiffs' claims, whichever comes first. This second extension is warranted, the parties submit, to permit the parties to attempt to resolve the claims presented in this case through mediation.

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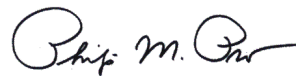
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Attorneys for Federal Deposit Insurance Corporation, as Receiver for Community Bank of Nevada

ORDER

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

DATED: May 4, 2010